IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9233 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHANDUBHAI KESHUBHAI KABIRA & 7 - Petitioner(s)

Versus

A'BAD MUNICIPAL CORPORATION - Respondent(s)

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Appearance :

MR BG PATANI for Petitioner(s) : 1 - 8.
MR AMIT J SHAH for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 28/02/2006

ORAL JUDGMENT

1.It is the case of the petitioners that they were working with the respondent-corporation as Safai Kamdar since many years. It is the case of the petitioners that even at the time when the petition was filed in

the year 1998, many of the petitioners had worked for a period ranging from 5 to 20 years and they had put in substantial days of actual work. Learned advocate Shri Patani for the petitioners submitted that after 1998 also the petitioners were engaged by the Corporation and by 2006 they had put in further work. He submitted that all the petitioners are covered by the policy of the Corporation by which upon conclusion of five years of service totalling to 900 days of work, such employees are required to be regularised.

2. The respondent-corporation has filed affidavit denying the averments made by the petitioners. However, neither side has produced any material to enable this Court to conclude such disputed question of facts. In any case, the learned advocate for the petitioners want to rely on the events which happened after filing of the petition. Considering these aspects of the matter, I find it appropriate that the petitioners make representations to the Corporation with supporting material at their command to urge before the Corporation the question of their regularisation in accordance with policy of the Corporation. If such representations are made within a period of two weeks

from today, same may be considered in accordance with law on the basis of prevalent policy expeditiously and preferably within a period of four months from the date of receipt of such representations.

3. In view of the above directions, the petition is disposed of. Rule is discharged with no order as to costs.

(Akil Kureshi,J.)

(raghu)